

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NEFTALI MONTERROSA, et al.,

Plaintiffs,

v.

CITY OF VALLEJO, et al.,

Defendants.

No. 2:20-cv-1563 DAD DB

ORDER

On May 10, 2024, this matter came before the undersigned pursuant to Local Rule 302(c)(1) for hearing of plaintiffs' motion for sanctions and defendant City of Vallejo's motion for a protective order. Attorney John Coyle appeared on behalf of the plaintiffs. Attorney Katelyn Knight appeared on behalf of defendant City of Vallejo. Attorneys David Mastagni and Taylor Davies-Mahaffey appeared on behalf of the Vallejo Police Officers' Association ("VPOA").

At the hearing, plaintiff's counsel and counsel for VPOA explained that they had resolved their discovery disagreement and plaintiff withdrew the motion for sanctions. With respect to defendant's motion for a protective order, the deadline for the completion of fact discovery was April 30, 2024. (ECF No. 86.) As explained by the August 6, 2020 scheduling order, "'completed' means that all discovery shall have been conducted so that all depositions have been taken and any disputes relative to discovery shall have been resolved by appropriate order if necessary, and where discovery has been ordered, the order has been obeyed." (ECF No. 3 at 2.)

At the May 10, 2024 hearing, counsel for defendant confirmed that the discovery at issue concerned fact discovery. Because the deadline for the completion of fact discovery has run, defendant's motion is untimely.¹ Defendant's motion will be denied without prejudice to renewal in the event that fact-based discovery is reopened in this action. The undersigned would, nonetheless, encourage the parties to continue to meet and confer and attempt to narrow, if not resolve, this dispute.

Upon consideration of the arguments on file and those made at the hearing, and for the reasons set forth on the record at that hearing and above, IT IS HEREBY ORDERED that:

1. Plaintiff's April 10, 2024 motion for sanctions (ECF No. 89) is withdrawn; and
2. Defendant's April 12, 2024 motion for a protective order (ECF No. 90) is denied without prejudice to renewal.

Dated: May 13, 2024


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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¹ Defendant previously filed a motion for a protective order on December 14, 2023. (ECF No. 79.) Defendant twice continued the hearing of the motion before the motion was eventually denied on April 1, 2024, due to the failure to file a Joint Statement. (ECF Nos. 79, 80, 88.)